

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
Case No. 3:12-cv-00462-MOC-DSC**

**JOHN TOTURA and JACQUELYN
TOTURA, Individually and on behalf of
all others similarly situated,**

Plaintiffs,

v.

**BANK OF AMERICA, N.A., individually
and as successor by merger to BAC
HOME LOANS SERVICING, LP;
BALBOA INSURANCE COMPANY;
and QBE AMERICAS, INC.,
individually and as successor in interest
to BALBOA INSURANCE COMPANY,**

Defendants.

NOTICE OF DISMISSAL

PLAINTIFFS John Totura and Jacquelyn Totura hereby give notice of the dismissal of this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(1), and ask the Court to enter an Order dismissing this case.

WHEREFORE, the Plaintiffs respectfully request that the Court enter an order dismissing this case without prejudice and for all other just and proper relief to which they are entitled.

Dated: November 9, 2012

Respectfully Submitted,

/s/ Sam McGee

Sam McGee. NC State Bar No. 25343

Gary W. Jackson, NC State Bar No. 13976

JACKSON & MCGEE, LLP

225 E. Worthington Ave., Suite 200

Charlotte, NC 28203

Phone: (704) 337-6680

Facsimile: (704) 337-6690

smcgee@ncadvocates.com

gjackson@ncadvocates.com

Steven A. Owings (pro hac vice anticipated)
Alexander P. Owings (pro hac vice anticipated)

OWINGS LAW FIRM

1400 Brookwood Drive

Little Rock, AR 72202

Telephone: (501) 661-9999

Facsimile: (501) 661-8393

sowings@owingslawfirm.com

apowings@owingslawfirm.com

Brent Walker (pro hac vice anticipated)

Russell D. Carter, III (pro hac vice anticipated)

CARTER WALKER PLLC

2171 West Main, Suite 200

P.O. Box 628

Cabot, AR 72023

Telephone: (501) 605-1346

Facsimile: (501) 605-1348

bwalker@carterwalkerlaw.com

dcarter@carterwalkerlaw.com

Jack Wagoner, III (pro hac vice anticipated)

WAGONER LAW FIRM, P.A.

1320 Brookwood, Suite E

Little Rock, AR 72202

Telephone: (501) 663-5225

Facsimile: (501) 660-4030

jack@wagonerlawfirm.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following parties in this case:

Bradley R. Kutrow, NC Bar No. 13851
Brian A. Kahn, NC Bar No. 29291
Steven N. Baker, NC Bar No. 36607
McGuireWoods, LLP
201 North Tryon Street
Charlotte, North Carolina 28202
Phone: (704) 343-2000
Fax: (919) 343-2300
bkutrow@mcguirewoods.com
bkahn@mcguirewoods.com
sbaker@mcguirewoods.com

David L. Permut (pro hac vice)
901 New York Avenue NW
Washington, D.C. 20001
Phone: (202) 346-4000
Fax: (202) 346-4444
dpermut@goodwinprocter.com

Matthew G. Lindenbaum (pro hac vice)
Brian M. LaMacchia (pro hac vice)
Brian J. Sullivan (pro hac vice)
Goodwin Procter LLP
53 State Street
Boston, Massachusetts 02109
Phone: (617) 570-1000
Fax: (617) 523-1231
mlindenbaum@goodwinprocter.com
bsullivan@goodwinprocter.com

*Attorneys for Defendant Bank of America,
N.A., individually and as successor by
Merger to BAC Home Loans Servicing, LP*

Robert E. Harrington
Robert E. Harrington, NC Bar No. 26967
Nathan C. Chase, Jr., NC Bar No. 39314
Robinson Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 900
Charlotte, NC 28246
Telephone: (704) 377-2536

Fax: (704) 378-4000
rharrington@rbh.com
nchase@rbh.com

Matthew P. Previn (pro hac vice)
BuckleySandler LLP
1133 Avenue of the Americas, Suite 3100
New York, NY 10036
Telephone: (212) 600-2310
Fax: (212) 600-2405
mprevin@buckleysandler.com

Robyn C. Quattrone (pro hac vice)
Stephen M. LeBlanc (pro hac vice)
Katherine Halliday (pro hac vice)
BuckleySandler LP
1250 24th Street NW, Suite 700
Washington, D.C. 20037
Telephone: (202) 349-8000
Fax: (202) 8080
rquattrone@buckleysandler.com
sleblanc@buckleysandler.com
khallday@buckleysandler.com

*Counsel for Balboa Insurance Company and
QBE Americas, Inc.*

This the 9th day of November, 2012.

/s/ Sam McGee
Sam McGee